

21.09.2022
KC(23)

S.A.T.122 of 2022
Sunil Kumar Mukherjee
-versus-
Nathuram Das
With
CAN 1 of 2022

Mr. Partha Pratim Roy,
Mr. Sarbananda Sanyal,
Ms. Poulami Chakraborty.....For the appellant.

Mr. Sukanta Chakraborty,
Mr. Anindya Halder,
Mr. Zubair Ahmed.....For the respondent.

We admit this appeal on the following substantial
questions of law:

- I. Whether the learned first appellate court applied the correct principles of law in holding that the respondent/tenant could not be held to be a defaulter in payment of rent and thus should not be evicted from the suit property on the ground of default?
- II. Whether the learned first appellate court erred in law in reversing the decree for eviction obtained by the appellant/plaintiff?

Since the respondent has appeared, service of the
notice of appeal is waived.

Transmission of lower court record is dispensed with for the time being. We may call for those records if required at the time of hearing of the appeal.

Advocate-on-record for the appellant will prepare an informal paper book and file the same in this court by 18th November, 2022. A copy of the paper book shall be served on the advocate-on-record for the respondent at least seven days before the date fixed for hearing of the appeal.

List the appeal for hearing on 28th November, 2022 before the appropriate bench, subject to its convenience.

The connected application (CAN 1 of 2022) is disposed of.

(I.P. MUKERJI, J.)

(BISWAROOP CHOWDHURY, J.)